

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3123 OF 2005

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Office Notes, Office Memoranda of : Court's or Judge's orders.
coram, appearances, Court's orders :
or directions and Registrar's :
orders. :
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Mr.S.S.Pakale for the petitioner.
Mr.Suresh Kumar for the respondents.

CORAM: V.G.PALSHIKAR &
D.B.BHOSALE, JJ.

DATED: 12TH SEPTEMBER, 2005

P.C.:

. By this petition, the petitioner has challenged the attachment warrant on the grounds that there is no order under section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and unless there is such the order execution warrant cannot be issued. By reply to the petition this position is factually disputed. In our opinion, the petition can be conveniently disposed of by requiring the petitioner to approach to the authority issuing arrest warrant to point out that the warrant and contentions raised therein could not be issued. There being factual dispute on every point it is necessary that execution is done by authority issuing

warrant of attachment. Hence the petitioner is at liberty to make representation to the authority. He is directed to go to the authority i.e. the Regional Provident Fund Commissioner with this grievance. The petitioner shall be at liberty to apply for execution of the arrest warrant to the Regional Provident Fund Commissioner and to enable him to do so four weeks time is granted. Interim order shall be vacated thereafter. The petition is disposed of accordingly.

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